

**4COMMONWEALTH OF MASSACHUSETTS**  
**State Building Code (780 CMR) Appeals Board**  
**Board's Ruling on Appeal<sup>1</sup>**

**Docket No. 09-696**

Appellant(s): Jeffrey Lynch, Esquire

vz. Appellee(s): City of Pittsfield  
Gerald Garner

**Procedural History**

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant him a variance from 7<sup>th</sup> Edition 780 CMR 417.6.4 and 418.3.2.4 for 3-11 Industrial Drive, Pittsfield, MA. In accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et. seq.*; and 780 CMR 122.3.4, the Board convened a public hearing on January 20, 2009 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

The Appellant and appeared and testified for the hearing.

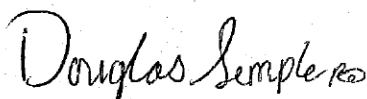
Note: Jacob Nunnemacher recused himself and the appellant agreed to go forward with a 2-member Board.

**Discussion**

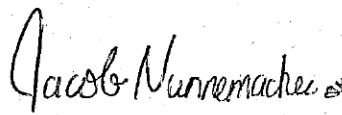
A motion was made to grant the Appellant's request for a variance from 7<sup>th</sup> Edition 780 CMR, 417.6.4 and 418.3.2.4, based on the exhibits and testimony that was presented. The requested variance was to not require a sprinkler system for a canopy structure covering a bulk tank storage area. The motion imposed conditions that the appellant apply a 2-hour fire rated covering to the main structural columns and supporting beams. The motion noted that that the Pittsfield building commissioner and fire inspector were generally not opposed to the granting of the variance. There was a second on the motion and a board vote was taken, which was unanimous.

**Conclusion**

**The Appellant's request for a variance from 7<sup>th</sup> Edition 780 CMR 417.6.4 and 418.3.2.4 is hereby granted as described in the discussion above and so ordered<sup>2</sup> on this date: January 20, 2009.**



Douglas Semple



Jacob Nunnemacher



Alexander MacLeod

<sup>1</sup> This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108

<sup>2</sup> In accordance with M.G.L. c. 30A, §14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.